

238752

## STATE OF SOUTH CAROLINA

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BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## (Caption of Case)

Application of Palmetto of Richland County LLC for Certificate that the Acquisition of the City of Columbia Sewer Collection System serving portions of unincorporated Richland County is in the Public Interest and for Establishment of a Service Area and Rates and Charges.

2012 AUG 29 PM 3:48

SC PUBLIC SERVICE  
COMMISSION

COVER SHEET

COPY

DOCKET

NUMBER: 2012 - 273 - S

Posted: ledDept: SA

(Please type or print)

Submitted by: John M. S. Hoefer, Esquire Date: 8/20/12 SC Bar Number: 2549

Address: PO Box 8416

Time: 10:11

Telephone: 803-252-3300

Fax: 803-771-2410

Columbia, South Carolina 29202-8416

Other:

Email: jhoefer@willoughbyhoefer.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

## DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☒ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

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PSC SC  
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SC Bar Number: 2549

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**WILLOUGHBY & HOEFER, P.A.**

ATTORNEYS & COUNSELORS AT LAW

930 RICHLAND STREET

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

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MITCHELL M. WILLOUGHBY  
JOHN M.S. HOEFER  
RANDOLPH R. LOWELL  
TRACEY C. GREEN  
BENJAMIN P. MUSTIAN  
ELIZABETH ZECK\*  
ELIZABETHANN LOADHOLT FELDER  
CHAD N. JOHNSTON  
JOHN W. ROBERTS

SC PUBLIC SERVICE COMMISSION  
AREA CODE 803  
TELEPHONE 252-3300  
TELECOPIER 256-8062

August 29, 2012

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\*ALSO ADMITTED IN TX

**VIA HAND-DELIVERY**

The Honorable Jocelyn D. Boyd  
Chief Clerk/Administrator  
**Public Service Commission of South Carolina**  
101 Executive Center Drive  
Columbia, South Carolina 29211

AUG 29 2012

PSC SC  
MAIL / DMS

RE: Application of Palmetto of Richland County LLC for Certificate that Acquisition is in the Public Interest and for establishment of Service Area, Rates and Charges  
Docket No.: 2012-273-S

Dear Ms. Boyd:

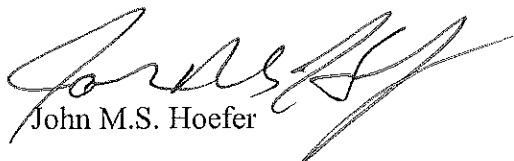
Enclosed for filing are the original and one (1) copy each of an **Objection to Lawrence Petition to Intervene** and a **Motion for Appointment of Hearing Officer and Prehearing Conference** on behalf of the Applicant in the above-referenced matter. I would appreciate your acknowledging receipt of these documents by date-stamping the extra copies that are enclosed and returning them to me via our courier.

By copy of this letter, I am serving counsel for the Office of Regulatory Staff and Mr. Lawrence with a copy of same and enclose a Certificate of Service to that effect.

If you have any questions or if you need any additional information, please do not hesitate to contact me. With best regards, I am

Sincerely,

**WILLOUGHBY & HOEFER, P.A.**

  
John M.S. Hoefer

JMSH/ccm

Enclosures

cc: Nanette S. Edwards, Esquire  
Mr. James E. Lawrence

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THE PUBLIC SERVICE COMMISSION OF

SC PUBLIC SERVICE  
COMMISSION

SOUTH CAROLINA

DOCKET NO. 2012-273-S

IN RE:

)  
)  
) Application of Palmetto of Richland  
) County LLC for a Certificate that  
) the Acquisition of the City of Columbia  
) Sewer Collection System serving portions  
) of unincorporated Richland County is in  
) the Public Interest and for  
) Establishment of a Service Area and  
) Rates and Charges  
)

**CERTIFICATE OF SERVICE**

\_\_\_\_\_  
This is to certify that I have caused to be mailed this day one (1) copy of an **Objection to Lawrence Petition to Intervene** and one (1) copy of a **Motion for Appointment of Hearing Officer and Prehearing Conference** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Nanette S. Edwards, Esquire  
**Office of Regulatory Staff**  
1401 Main Street, Suite 900  
Columbia, SC 29201

Mr. James E. Lawrence  
134 Lightwood Knot Road  
Columbia, SC 29223

  
Cindy C. Mills

Columbia, South Carolina  
This 29<sup>th</sup> day of August, 2012.

2012 AUG 29 PM 3: 48

SC PUBLIC SERVICE  
COMMISSION

IN RE: )  
)  
Application of Palmetto of Richland )  
County LLC for a Certificate that )  
the Acquisition of the City of Columbia )  
Sewer Collection System serving portions )  
of unincorporated Richland County is in )  
the Public Interest and for )  
Establishment of a Service Area and )  
Rates and Charges )  
)

Palmetto of Richland County, LLC (“Applicant” or “PRC”), pursuant to Vol. 26 S.C. Code Ann. Regs. 103-825.A.3 (Supp. 2010), hereby objects to the petition to intervene of James E. Lawrence (“Petitioner” or “Mr. Lawrence”) in the above-captioned docket. In support thereof, Applicant would respectfully show as follows:

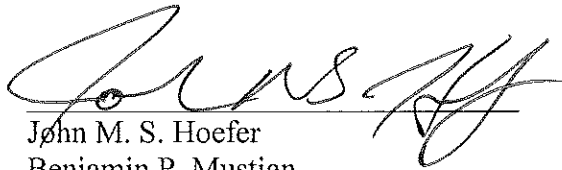
2. Petitioner's letter is insufficient to meet the requirements of Vol. 26 S.C. Code Ann. Regs. 103-825.A.3 (c) as the petition fails to state his position in this matter. Applicant has

attempted, without success, to ascertain from Petitioner whether he (a) opposes the Application (and thus wishes for the City of Columbia to remain as the wastewater service provider serving the territory where he resides), (b) supports the Application (and thus wishes for PRC to become certificated as a public utility authorized to provide wastewater service in the territory where he resides, subject to the jurisdiction of this Commission), or (c) is neutral and has no position with respect to the matter.

3. **Applicant does not seek an immediate ruling by the Commission on the within Objection.** Contemporaneously herewith, Applicant has filed with this Commission a motion pursuant to Vol. 26 S.C. Code Ann. Regs. 103-829 (Supp. 2010) seeking appointment of a Hearing Officer pursuant to Vol. 26 S.C. Code Ann. Regs. 103-804.G (Supp. 2010) for the purpose, *inter alia*, of conducting a prehearing conference in accordance with Vol. 26 S.C. Code Ann. Regs. 103-839 (Supp. 2010). Applicant submits that the position of Petitioner with respect to this proceeding may be determined in the context of a prehearing conference and therefore requests that a ruling by the Commission on the within Objection be held in abeyance pending (a) a determination on Applicant's motion for appointment of a Hearing Officer and (b), if that motion is granted, a report by the Hearing Officer to the Commission with respect to Petitioner's position in this matter.

4. Should the Commission deny Applicant's motion for appointment of a Hearing Officer, Applicant alternatively requests that Mr. Lawrence's Petition to Intervene be denied as non-compliant with R. 103-825.A.3.

WHEREFORE, having fully set forth its Objection, Applicant requests (a) that the Commission hold same in abeyance pending action on Applicant's motion for appointment of a hearing officer and a report to the Commission with respect to Mr. Lawrence's position in this matter after a prehearing conference, (b) alternatively, that Mr. Lawrence's petition to intervene be denied, and (c) that Applicant be granted such other and further relief as the Commission may deem just and proper.



John M. S. Hoefer

Benjamin P. Mustian

**WILLOUGHBY & HOEFER, P.A.**

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[bmustian@willoughbyhoefer.com](mailto:bmustian@willoughbyhoefer.com)

Attorneys for Applicant

Columbia, South Carolina  
This 29th day of August, 2012